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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Afghanistan

1. At its 19th meeting, on 19 December 2008, the Working Group on Children and Armed Conflict examined the first report of the Secretary-General on children and armed conflict in Afghanistan (S/2008/695), which was introduced by the Special Representative of the Secretary-General on Children and Armed Conflict. The Permanent Representative of Afghanistan to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General, in accordance with Security Council resolution 1612 (2005).

4. Grave concern was expressed about the persistence of widespread violations and abuses committed against children in the context of armed conflict in Afghanistan. The members of the Working Group strongly condemned the training and use of children to commit terrorist acts by several armed groups, in particular the Taliban, and other violations and abuses committed by such groups against children.

5. The members of the Working Group welcomed the concrete steps taken by the Government of Afghanistan to promote the protection of children, including by putting an end to the recruitment and use of children, in accordance with its national legislation and international obligations. The Government of Afghanistan was encouraged to continue to address, in cooperation with the United Nations country team and civil society organizations, impunity for the perpetrators of crimes and abuses against children.

6. The members of the Working Group encouraged the international community to provide the Government of Afghanistan with the necessary support for its efforts to protect children affected by armed conflict and to further translate commitments into concrete action on the ground, in order to prevent violations and abuses against children, including any further recruitment, in accordance with its national legislation and international obligations, and to develop sufficient capacity in disarmament, demobilization and reintegration programmes for children, along with other child protection strategies.

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7. Grave concern was expressed regarding the killing and maiming of civilians, including children, in particular as a consequence of attacks on hospitals and schools, including girls' schools; the targeting of girl students by the Taliban and other armed groups; and the presence of anti-personnel landmines and unexploded ordnance.

8. Grave concern was also expressed that civilians, particularly children and women, continued to account for an increasing number of victims in the armed conflict. In that regard, the members of the Working Group emphasized the need for all actors to ensure full respect for the rules of international humanitarian law, in particular the prohibition of indiscriminate and excessive use of force; to investigate and bring to justice those responsible for violations of applicable international law, including international humanitarian law and international human rights law; and to take all feasible steps to minimize risk to civilians, especially children.

9. Grave concern was further expressed regarding sexual violence against children, especially boys, and the Government of Afghanistan was encouraged to address, in cooperation with the United Nations country team and civil society organizations, ending impunity for perpetrators through advocacy, legislative and other appropriate measures.

10. Particular attention was paid to restricted humanitarian access in conflict-affected areas.

11. Particular concern was expressed about the situation of children detained by the authorities of Afghanistan and international military forces because of their alleged association with armed groups, emphasizing the need for full respect for relevant provisions of international law.

12. The United Nations country-level task force on monitoring and reporting was encouraged to bring the monitoring and reporting mechanism to its full capacity in order to collect more comprehensive data on all violations and abuses committed against children in the conflict.

13. The members of the Working Group also encouraged parties to the conflict, particularly the Taliban, to develop and implement concrete action plans for the release of children associated with those parties, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005).

14. The Permanent Representative of Afghanistan:

(a) Reiterated the commitments of his Government to fully cooperate with the international community and the Working Group, with a view to putting an end to violations and abuses committed against children in armed conflict;

(b) Questioned the level of credibility of some of the information and sources mentioned in the report of the Secretary-General;

(c) Underlined that insufficient data collection by the country-level task force in the areas controlled by anti-Government forces had prevented the Secretary-General from reporting adequately on the violations and abuses committed against children by the Taliban and other armed groups, thus giving an unbalanced assessment of the situation of children in Afghanistan;

(d) Provided the Working Group with a compilation of national statutes, legislation and international human rights treaties adopted by the government of Afghanistan to protect and promote the rights of children in Afghanistan.

15. The members of the Working Group took note of the information provided by the Government of Afghanistan and invited the Office of the Special Representative to take that information into account and to continue to consult with the Government in the preparation of subsequent reports. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Council resolution 1612 (2005),[1] the Working Group agreed to the following direct action.

Public statements issued by the Chairman of the Working Group

To all the armed groups mentioned in the report of the Secretary-General, in particular the Taliban

(a) *Calling* their attention to the fact that the Security Council has received a report by the Secretary-General on children and armed conflict in Afghanistan;

(b) *Expressing* its condemnation in the strongest terms of the recruitment and use of children by armed groups, in particular the training and use of children to commit terrorist attacks, and all other violations and abuses committed against children by armed groups in Afghanistan, including killing and maiming resulting inter alia, from attacks in public places and/or the targeting of schoolchildren, particularly girls, abduction and sexual violence against children;

(c) *Expressing also* its condemnation in the strongest terms of the attacks against humanitarian actors, in particular killings and abductions;

(d) *Urging* them:

(i) To immediately cease attacks against civilians, especially children, and civilian objects, and to comply fully with international humanitarian law by, inter alia, putting an end to the targeting of the civilian population, especially children, and to publicly declare an end to such practices;

(ii) To comply with international humanitarian law and to recognize and maintain the civilian status and safety of schools, hospitals and religious institutions, including their personnel, and to refrain from any attack on United Nations premises;

(iii) To take immediate measures to ensure that children are not used in any military operation or any other violent action, proceed with the immediate and unconditional release of all children associated with them in any capacity, in a manner that allows effective confirmation and follow-up by the country-level task force on monitoring and reporting, and develop and implement a concrete time-bound action plan in accordance with the Security Council resolutions on children and armed conflict, including resolutions 1539 (2004) and 1612 (2005);

(iv) To allow, as a matter of priority, full, unimpeded and secure access for humanitarian assistance, in particular for children, as well as access for

[1] A similar formulation will appear at the beginning of every letter issued by the Chairman.

relevant international and national child protection actors, and to ensure the safety and security of humanitarian personnel;

(v) To immediately stop impeding girls from having access to education, in particular by denying their right to attend school, attacking girl students and teachers and damaging school buildings or threatening to do so;

(vi) To take immediate and specific measures to put an end to and prevent the perpetration of sexual violence by members of their respective groups, in particular the practice of *bacha baazi*, to take measures so that perpetrators are brought to justice and to publicly declare an end to such practices;

(e) *Emphasizing* that the full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), verified by the task force on monitoring and reporting, is an important step for a party to conflict to take in order to be de-listed from the annexes of the report of the Secretary-General on children and armed conflict.

To community and religious leaders of Afghanistan urging them

(a) To publicly condemn and take all feasible steps to prevent the recruitment and use of children, in violation of applicable international law, in particular using them to commit terrorist acts; all other violations committed against children, including the killing and maiming of civilians, targeting schools and hospitals and sexual violence against children; and attacks against humanitarian personnel;

(b) To assist the Government of Afghanistan and the United Nations country team to develop and implement child protection strategies.

Recommendation to the Security Council

16. The Working Group agreed to recommend that the President of the Security Council should transmit letters by the Chairman of the Working Group:

To the Government of Afghanistan

(a) *Welcoming*:

(i) The ratification of the Convention on the Rights of the Child in 1994, its Optional Protocol on the involvement of children in armed conflict in 2003 and its Optional Protocol on the sale of children, child prostitution and child pornography in 2002;

(ii) The concrete steps taken by the Government of Afghanistan to promote and protect the rights of children, including the launch in May 2006 of the National Strategy for Children at Risk, and the substantial progress achieved since 2001;

(iii) Its participation in the "Free Children from War" conference, held in Paris on 5 and 6 February 2007;

(iv) Its constructive engagement in the establishment on 28 July 2008 of a monitoring and reporting mechanism, supported by President Hamid Karzai, and its subsequent and ongoing cooperation with the Working Group, the

Special Representative of the Secretary-General and relevant United Nations entities;

(v) The invitation to the Special Representative of the Secretary-General, accompanied by the Director of Emergency Operations of the United Nations Children's Fund (UNICEF), to visit Afghanistan from 28 June to 3 July 2008;

(b) *Urging* it:

(i) To continue, in accordance with Security Council resolution 1612 (2005), to give full support to the monitoring and reporting mechanism, in collaboration with the United Nations country team, in order to contribute to the goal of establishing action plans as an important step to halt and stop the recruitment and use of children;

(ii) To continue to take the necessary actions towards the full implementation of its commitments and obligations on the ground, advisably through the development, with the support of the United Nations and relevant civil society organizations, of a time-bound action plan ensuring the end of the practice of child soldiering in Afghanistan and, in particular, through the full and unimpeded access of monitoring bodies to detention facilities run by the National Directorate of Security, and the effective implementation of age-determination procedures in the ranks of all governmental forces, in particular the Afghan National Auxiliary Police;

(iii) To emphasize the importance of ensuring the rights of children in detention, in accordance with applicable international law, including through capacity-building, in close cooperation with the United Nations country team and other partners;

(iv) To take into account the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), in line with the commitments made by the Government of Afghanistan during the "Free Children from War" conference and consistent with its international obligations, with a view to putting an end to the serious abuses perpetrated against children and ensuring transparent procedures for the release of all children;

(v) To increase security and protection of the civilian populations, including children, in the regions under its control, including through possible cooperation with the international community, bearing in mind the positive impact of such measures on the prevention of child recruitment, sexual violence and other violations and abuses committed against children;

(vi) To take additional measures, with the support of the international community, to minimize the number of children killed and maimed, inter alia, as a result of the presence of anti-personnel landmines and unexploded ordnance;

(vii) Take all feasible steps, in coordination with international military forces, to ensure that international military forces deployed in Afghanistan comply fully with their obligations under international humanitarian law, in particular by taking all necessary precautions to minimize civilian casualties, including children, in military operations and making robust efforts in this regard,

notably by the continuous review of tactics and procedures in order to help prevent civilian casualties;

(viii) To ensure that legislation on child abuse is in line with the Convention on the Rights of the Child and its Optional Protocols;

(ix) To implement fully and effectively laws and programmes to prevent sexual violence committed against girls and boys and to support victims of this crime, in close cooperation with the United Nations country team and civil society;

(x) To develop capacity, with the support of the United Nations country team and the international community, in the areas of advocacy, community awareness and rehabilitation and reintegration programmes for children formerly associated with armed forces and groups, and rehabilitation and reintegration programmes for children who have been victims of violence;

(xi) To further address impunity for perpetrators of violations and abuses committed against children by strengthening its child protection capacity and the commitment of law enforcement and judicial officials to rigorously investigate and prosecute crimes committed against children, including killings, maiming, sexual violence, recruitment and use of child soldiers, and all other forms of crime, and by raising awareness about legal protections to which children are entitled, the rights of the child and humanitarian and other relevant international law throughout society, in particular within the Afghan security forces.

To the Secretary-General

(a) *Welcoming* his call upon the country-level task force on monitoring and reporting to present a plan on ways and means to interface with the Government, international military forces and other relevant parties to extend the monitoring and reporting mechanism mandated by Security Council resolutions 1539 (2004) and 1612 (2005) to all conflict areas of Afghanistan, in order to allow full monitoring of parties committing violations against children and prompt advocacy and effective response to all violations and abuses committed against children;

(b) *Encouraging* him to strengthen the efforts of the United Nations country team to bring the task force on monitoring and reporting to its full capacity in order to ensure that accurate, objective, reliable and comprehensive information is collected and communicated on violations and abuses committed against children;

(c) *Requesting* him to continue to allocate human and technical resources to ensure that all children affected by the conflict in all regions are covered under the monitoring and reporting mechanism;

(d) *Also requesting* him to explore ways to ensure that the United Nations country team works in close consultation with the Government of Afghanistan and international military forces in order to support their efforts to minimize civilian casualties, in line with international humanitarian law;

(e) *Asking* him to address the importance of ensuring access for relevant organizations, as applicable, to all prisons and places of detention in Afghanistan, and asking that these relevant organizations follow up, as appropriate, with the

monitoring and reporting mechanism with regard to children detained because of their alleged association with armed groups;

(f) *Also asking* him to ensure as a matter of priority the continuous implementation of the Security Council request for the child protection component of the United Nations Assistance Mission in Afghanistan (UNAMA), in particular through the appointment of child protection advisers in the Mission;

(g) *Inviting* him to request the United Nations Development Programme, UNICEF and other relevant United Nations organizations, within their respective mandates and in close cooperation with the Government of Afghanistan, to continue to address socio-economic issues, which will also contribute to addressing the welfare of children affected by armed conflict, including by strengthening national institutions, and further to provide assistance in the implementation of rehabilitation and reintegration programmes and to strengthen and protect the education system, in particular by securing and rebuilding educational facilities, including in conflict-affected areas;

(h) *Also inviting* him to address the long-term effects of armed conflict on children by supporting the development of an adequate health-care system to facilitate their full recovery, including special attention to psychological care for all children affected by armed conflict and appropriate health-care and services for affected boys and girls.

To the Security Council

Recommending that the situation of children affected by armed conflict continue to be duly taken into account in consideration by the Council of the situation in Afghanistan and be reflected in the terms of reference for the next field visit by the members of the Council to that country, taking also into consideration the conclusions of the Working Group in this regard.

Direct action by the Working Group

17. The Working Group agreed that the Chairman would address letters:

To the leadership of the International Security Assistance Force (ISAF)

(a) *Bearing in mind* the efforts taken by ISAF to minimize the risk of civilian casualties and damage to civilian objects and urging them to take robust efforts, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Government of Afghanistan, in cases where civilian casualties have occurred, and to bring to account those persons found responsible for causing civilian casualties in violation of international humanitarian law;

(b) *Inviting* them to support the country task force on monitoring and reporting, in consultation with UNAMA and the Government of Afghanistan, in its effort to devise a plan to extend the monitoring and reporting mechanism established by Security Council resolution 1612 (2005) to all areas of the conflict, with a view to enhancing child protection in Afghanistan;

(c) *Emphasizing* the importance of ensuring access for relevant organizations, as applicable under international law, to all children in detention in

Afghanistan, and calling for full respect for relevant international law, including humanitarian law and human rights law.

To the World Bank and donors requesting

(a) That they provide support, in close cooperation with the Government of Afghanistan and upon its request, together with local communities and civil society organizations, as appropriate, to the development and strengthening of capacities to ensure access to and implementation of child-appropriate demobilization, rehabilitation and reintegration programmes for all released former child soldiers, also drawing their attention to the importance of socio-economic reintegration and the need to support viable and sustainable alternative livelihoods, in order to prevent the re-recruitment of children by armed groups;

(b) That they assist the efforts of the Government of Afghanistan to strengthen and expand programmes that protect and assist children, particularly former child soldiers, internally displaced persons and unaccompanied and separated children who may face higher risks of violence, exploitation and recruitment, and ensure their successful rehabilitation and reintegration, increasing the focus on livelihood support, education, including accessible education for children with disabilities, and youth-oriented employment strategies.

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Central African Republic

1. At its 20th meeting, on 24 February 2009, the Working Group on Children and Armed Conflict examined a report of the Secretary-General on children and armed conflict in the Central African Republic (S/2009/66), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of the Central African Republic to the United Nations also addressed the Working Group.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations contained therein met with a generally favourable response.

4. Grave concern was expressed about the persistence of widespread violations and serious abuses, in particular killing, maiming and rape and other sexual violence, committed against children in the context of armed conflict in the Central African Republic.

5. Grave concern was also expressed regarding the continuation of the recruitment and use of children by all non-State parties to the conflict, the use of children by self-defence militias and the attacks against children by criminal groups known as "Zaraguinas".

6. The members of the Working Group welcomed the steps taken by the Government of the Central African Republic to foster public safety and put an end to the illegal recruitment and use of children, in particular the political dialogue held with rebel groups, the reform of security institutions and the establishment of the Disarmament, Demobilization and Reintegration Steering Committee.

7. The members of the Working Group encouraged the Government of the Central African Republic to strengthen further its policy on child protection by adopting a legal and institutional framework to protect the rights of children in situations of armed conflict, addressing impunity for perpetrators of all crimes committed against children, improving its national birth registration system and

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reinforcing the relevant capacities of the security forces, the army and the Presidential Guard.

8. The members of the Working Group noted that the absence of development, poor access to basic services, lack of economic and social opportunities, stigmatization of certain groups, whether ethnic, religious or social, and, in some cases, pressure from peers and local authorities were factors that increased the risk of children being recruited and used by armed groups, in particular self-defence militias.

9. The members of the Working Group also encouraged the Government of the Central African Republic to raise public awareness of the need to avoid the use of children in armed conflict and to protect them from violence, in accordance with applicable international law, including international humanitarian law and international human rights law.

10. The members of the Working Group welcomed the referral of the Central African Republic to the Peacebuilding Commission, the ongoing efforts of the Peacebuilding Commission regarding the Central African Republic and the allocation of resources by the Peacebuilding Fund to programmes for the separation of children from armed groups and their reintegration into communities.

11. The Working Group stressed the importance of support from the international community to the Government of the Central African Republic in its efforts to protect children affected by armed conflict.

12. The Permanent Representative of the Central African Republic:

(a) Underlined the commitment of the Government of the Central African Republic to fully cooperate with the Working Group and the Special Representative of the Secretary-General and to implement the recommendations of the Secretary-General and the conclusions of the Working Group;

(b) While recognizing the need for further efforts to reduce violations against children in the Central African Republic, underscored the lack of resources of his Government to combat such violations and, in that regard, reiterated the request of his Government for support from the international community and donors;

(c) Explained that motivations such as social recognition, lack of access to basic services and material benefits were some of the factors that led children to join self-defence militias and groups on a voluntary basis and, in that regard, underlined the need to address all aspects of the recruitment and use of children in his country;

(d) Expressed that the lack of birth registration processes in some rural areas of the Central African Republic was a critical concern, as it exacerbated the challenges related to the age of child soldiers;

(e) Requested the support of the international community in the implementation of the disarmament, demobilization and reintegration programmes and, subsequent to the meeting, took note of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles).

13. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Security

Council resolution 1612 (2005),[1] the Working Group agreed to the following direct action.

Public statements issued by the Chairman of the Working Group

14. The Working Group agreed to address messages to all the parties to the armed conflict in the Central African Republic mentioned in the report of the Secretary-General, in particular the Armée populaire pour la restauration de la République et de la démocratie (APRD); the Union des forces démocratiques pour le rassemblement (UFDR); the Front démocratique du peuple centrafricain; the Mouvement des libérateurs centrafricains pour la justice; and the Forces pour l'unification de la République centrafricaine, through public statements by its Chairman on behalf of the Working Group:

(a) *Calling* their attention to the fact that the Security Council has received the report of the Secretary-General on children and armed conflict in the Central African Republic;

(b) *Expressing* its strong condemnation of the recruitment and use of children by all armed groups, including self-defence militias directly or indirectly supported by governmental authorities, in violation of applicable international law;

(c) *Expressing also* deep concern about the high number of violations and abuses committed against children by all parties to the conflict, including the killing and maiming of civilians, rape and other sexual violence, abduction and attacks against schools and hospitals in the northern part of the country;

(d) *Expressing further* also deep concern about the frequent displacement of populations taking place in the Central African Republic as a result of fighting and threats against the population by all parties to the conflict, which increases the vulnerability of children to becoming victims of violations and abuses such as recruitment and use, killing and maiming, rape and other sexual violence and abductions;

(e) *Condemning* attacks on United Nations and humanitarian personnel, including robbery, intimidation and other acts of violence that have led to the obstruction of humanitarian access;

(f) *Taking note* of the identification and anticipated release of children by APRD and UFDR, following concerted advocacy by the United Nations Children's Fund, the Office for the Coordination of Humanitarian Affairs and humanitarian organizations, and the visit in May 2008 of the Special Representative of the Secretary-General for Children and Armed Conflict to the region, and encouraging them to continue the process of identifying and releasing all children present in their ranks;

(g) *Urging* all parties:

(i) To comply fully with international humanitarian law by, inter alia, protecting the civilian population, especially children, and recognizing and maintaining the civilian status, neutrality and safety of schools, hospitals, religious institutions, refugee camps and settlements of internally displaced persons, including their personnel;

[1] A similar formulation will appear at the beginning of every letter issued by the Chairman.

(ii) To refrain from any new child recruitment and fulfil without any further delay their commitments for the protection of children, to end the recruitment and use of children and release all children still present within their ranks in a manner that allows effective confirmation by the United Nations country-level task force on monitoring and reporting, and to develop as soon as possible a time-bound action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005);

(iii) To put an end to indiscriminate attacks on and the burning of villages, which have resulted in the killing and maiming of civilians, including children;

(iv) To take immediate and specific measures to put an end to and prevent the perpetration of rape and other sexual and gender-based violence and to take measures so that perpetrators are brought to justice;

(v) To release immediately all abducted children, ensure their return to their families and communities and take all necessary measures to put an end to and prevent abduction;

(vi) To allow, as a matter of priority, full, unimpeded and secure access for humanitarian assistance and relevant international and national child protection actors;

(h) *Emphasizing* that the full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the task force on monitoring and reporting, is an important step for a party to conflict to take in order to be de-listed from the annexes of the report of the Secretary General on children and armed conflict;

(i) *Emphasizing also* that the Working Group will closely monitor, through the reports of the Secretary-General on children and armed conflict, compliance with Security Council resolution 1612 (2005) by all parties in situations of armed conflict listed in the annexes to the reports of the Secretary-General on children and armed conflict until there is complete release of children associated with them and full implementation of action plans;

(j) *Urging* all parties to sustain the momentum created by the inclusive political dialogue and the spirit of compromise and cooperation, and demanding that all parties that have not done so cease violence immediately.

15. The Working Group also agreed to address messages to the head of the Lord's Resistance Army (LRA) delegation in Nairobi through the Office of the Special Envoy of the Secretary-General for the Lord's Resistance Army-affected areas, on public statements by its Chairman on behalf of the Working Group:

(a) *Recalling* its recent conclusions on children and armed conflict in Uganda (S/AC.51/2008/13) and all the requests to the LRA contained therein, as well as the provisions regarding children in the president statement of the Security Council contained in document S/PRST/2008/48;

(b) *Strongly condemning* the abduction and recruitment of children, sexual violence and the looting of villages by the LRA in the south-eastern region of Haut-Mbomou, in particular the attacks of February and March 2008 in the Obo area, and strongly urging the LRA to release all the abducted children immediately and unconditionally;

(c) *Recalling* the obligations of the LRA under the Agreement on Disarmament, Demobilization and Reintegration signed in February 2008 and noting specifically that the recruitment and use of children by armed groups is a violation of applicable international law;

(d) *Expressing* its dismay at and strongly condemning the continued recruitment and use of child soldiers and all other violations and abuses committed by the LRA, including the killing and maiming of children, rape and other sexual violence, abductions and forced displacement in recent months, in particular in the south-east of the Central African Republic, south Sudan and the Democratic Republic of the Congo.

Recommendation to the Security Council

16. The Working Group agreed to recommend the following to the Security Council:

Letter to the Government of the Central African Republic

(a) *Welcoming*:

(i) The recent progress related to the inclusive political dialogue and the Comprehensive Peace Agreement and encouraging the Government of the Central African Republic to ensure that issues concerning children are taken into full consideration throughout the implementation of the Agreement and in the post-conflict phases;

(ii) The invitation to the Special Representative of the Secretary-General to visit the Central African Republic from 26 to 31 May 2008;

(iii) The ongoing cooperation with the Working Group, the Peacebuilding Commission and relevant United Nations organizations;

(b) *Urging* the Government of the Central African Republic:

(i) To ensure greater protection of vulnerable populations, in particular children and internally displaced persons, by reinforcing the capacity of national security forces, especially in the north-west, north-east and south-east of the country;

(ii) To appoint a high-level contact point on child protection issues to follow up and coordinate actions on child protection, as well as liaise and fully cooperate with the task force on monitoring and reporting, in particular to ensure the development of effective prevention methods and response activities to the abuses and violations committed against children, in accordance with Security Council resolution 1612 (2005);

(iii) To establish also an inter-ministerial task force or other appropriate mechanism within the Government that will be responsible for coordinating actions related to child disarmament, demobilization and reintegration;

(iv) To consider, as a matter of priority, signature and ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as well as the adoption of national legislation in accordance with its provisions, in particular criminalization of the recruitment and use of children by armed groups;

(v) To address impunity for perpetrators of violations and abuses committed against children; to strengthen its capacity and the commitment of law enforcement, judicial officials and prosecutors to rigorously investigate and prosecute crimes committed against children, including killing and maiming, rape and other sexual violence and abductions, which also necessitates the prosecution of members of the Armed Forces of the Central African Republic and the Presidential Guard, where evidence exists of crimes perpetrated by them; and to raise awareness about legal protections to which children are entitled, the rights of the child and humanitarian and other applicable international law throughout society, including within the security forces of the Central African Republic;

(vi) To continue and expand efforts to strengthen further the capacity of the military and police personnel to address child protection and gender concerns, including through child protection training;

(vii) To adopt the necessary measures to end and prevent the recruitment and use of children and abductions by local self-defence militias, including through:

a. The issuance of administrative and military orders and the adoption of disciplinary and other measures against administrative and military officials and local officials who are involved in the recruitment and use of children by local self-defence militias;

b. Addressing, with the support of the international community, the absence of development, poor access to basic services, lack of economic and social opportunities, stigmatization of certain groups, whether ethnic, religious or social, and, in some cases, pressure from peers and local authorities;

(viii) To launch a campaign, with the support of the international community, to raise public awareness that the recruitment and use of children by armed groups is unlawful while stressing the need to protect children from violence in accordance with applicable international law, including international humanitarian law.

Letter to the Secretary-General

(a) *Welcoming* his recommendation to his Special Representative for the Central African Republic and relevant United Nations entities to ensure that systematic dialogue is established between the task force on monitoring and reporting and relevant parties to the conflict for the preparation of action plans to address the recruitment and use of child soldiers, in the framework of Security Council resolution 1612 (2005);

(b) *Recalling* the Security Council presidential statement contained in document S/PRST/2009/5, in which the Council welcomes his recommendation to establish a United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), and also recalling its request to ensure that child protection is properly addressed in the implementation of the Comprehensive Peace Agreement and the disarmament, demobilization and reintegration process;

(c) *Bearing in mind* the establishment of BINUCA, inviting him to designate as a matter of priority a child protection adviser and consider strengthening the child protection capacity of this new office;

(d) *Inviting* him to continue strengthening the task force on monitoring and reporting and to liaise, as appropriate, with national institutions, relevant non-governmental organizations and civil society networks, in order to ensure effective collaboration and coordination of child protection activities;

(e) *Also inviting* him to ensure, given the regional dimension of the crisis involving the Central African Republic, Chad and the Sudan and the grave implications for children, better information exchange and closer cooperation between respective United Nations country teams and peacekeeping missions on child protection issues, and taking note with appreciation of the framework of collaboration currently being piloted between the United Nations Children's Fund (UNICEF) Child Protection Sections in the Central African Republic and Chad;

(f) *Further inviting* him to promote dialogue among relevant stakeholder organizations aimed at enhancing child protection and prevention of child recruitment in the region, including cross-border issues;

(g) *Inviting* him, given the regional dimension of the crisis, in consultation with the Governments concerned, to highlight the need for enhanced capacity in child protection, including the capacity to protect children from killing, maiming, sexual violence, abduction and all other forms of violence, to be taken into account and effectively implemented by BINUCA, the United Nations Mission in the Central African Republic and Chad (MINURCAT), and the African Union-United Nations Hybrid Operation in Darfur, in accordance with their respective mandates;

(h) *Also inviting* him to request the United Nations Development Programme, UNICEF and other relevant United Nations organizations, within their respective mandates and approved resources and in close cooperation with the Government of the Central African Republic and the Peacebuilding Commission, to continue to address socio-economic issues as a matter of priority in order to contribute to addressing the welfare of children affected by armed conflict through, inter alia, providing assistance to improve the implementation of rehabilitation and reintegration programmes and to strengthen the education system, including in conflict-affected areas;

(i) *Further inviting* him to consider addressing the long-term effects of armed conflict on children by supporting the development of basic services including a health-care system to facilitate their full recovery, with adequate attention to psychological care for all children affected by armed conflict, in particular children with disabilities, and access to sexual and reproductive health services, in particular for victims of sexual violence;

To the Security Council

(a) *Recommending* that the situation of children affected by armed conflict continue to be taken into account during considerations of the situation in the Central African Republic and be reflected in the terms of reference for the next field visit by the members of the Security Council to that country, also taking into consideration the conclusions of the Working Group in this regard;

(b) *Recommending also* that the Security Council continue to take child protection issues fully into account in the mandates of MINURCAT and BINUCA.

Letter to the Peacebuilding Commission

(a) *Welcoming*:

(i) The inclusion of the Central African Republic on the agenda of the Peacebuilding Commission;

(ii) The adoption of the strategic framework for peacebuilding in the Central African Republic for the period 2009-2011;

(iii) The commitments adopted in the strategic framework regarding children and armed conflict, in particular, those in the disarmament, demobilization and reintegration and good governance sectors;

(iv) The allocation of resources from the Peacebuilding Fund to programmes that prevent the recruitment of children and assist in the demobilization and socio-economic reintegration of children;

(b) *Encourages* the Peacebuilding Commission, in conformity with its mandate, to continue considering the situation of children and armed conflict as a matter of priority in all the actions it takes to support national peacebuilding efforts in the Central African Republic.

Direct action by the Working Group

17. The Working Group agreed that letters would be addressed:

To the World Bank and donors

(a) *Requesting* donors to allocate funding to support reintegration activities for children (boys and girls) formerly associated with armed forces and groups, emphasizing educational and socio-economic reintegration activities, with a view to preventing the re-enrolment of children in armed forces and groups by providing them with a viable alternative;

(b) *Urging* donors to support the Government of the Central African Republic in implementing a comprehensive national strategy to prevent, respond to and combat sexual violence that includes such key areas as combating impunity, protection and prevention, security sector reform and multisectoral assistance for victims;

(c) *Also urging* donors to assist the Government of the Central African Republic in enhancing the capacity and technical expertise of judiciary officials, military and law enforcement personnel and other relevant authorities in the Central African Republic to deal with child protection concerns;

(d) *Further urging* donors to support the Government of the Central African Republic in its efforts to improve the national birth registration system;

(e) *Encouraging* donors to undertake a more long-term commitment of resources for United Nations operational entities, international and national non-governmental organizations and civil society for child protection activities, including for monitoring, reporting and response;

(f) *Recommending* that the situation of girls be given priority attention and resourcing with regard to reintegration strategies, in order to ensure that girls are given equal opportunity to engage in disarmament, demobilization and reintegration programmes.

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Democratic Republic of the Congo

1. At its 19th meeting, on 19 December 2008, the Working Group on Children and Armed Conflict examined the report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo (S/2008/693), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of the Democratic Republic of the Congo to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations contained therein met with a generally favourable response.

4. The members of the Working Group welcomed the initiatives taken to accelerate the release of children and increase the number of children benefiting from the appropriate rehabilitation and reintegration programmes in the Democratic Republic of the Congo, and welcomed the efforts undertaken in the field of justice and reconciliation mechanisms with a view to ending impunity for crimes affecting children.

5. They expressed grave concern, however, regarding the high number of child soldiers remaining in armed groups and the reports of new recruitments; the high number of children killed and maimed intentionally; the major issue of persistent widespread sexual violence, noting the extremely high rate of cases in the Kivus; abductions; the increase in attacks against schools and hospitals; and the fact that impunity still prevailed in most cases.

6. They also expressed their concern regarding the deterioration of the situation of children in some regions of the country, notably in the provinces of North and South Kivu.

7. Finally, they expressed the wish for enhanced cooperation between the Child Protection Section of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Children's Fund (UNICEF)

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and the authorities of the Democratic Republic of the Congo to better address child protection challenges in the country.

8. The Permanent Representative of the Democratic Republic of the Congo:

(a) Reaffirmed the commitment of the Government of the Democratic Republic of the Congo to fully cooperate with the Working Group and the Special Representative of the Secretary-General and to implement the recommendations of the Secretary-General and the conclusions of the Working Group, taking also into account the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles);

(b) Explained the decrease in the number of allegations related to the six grave violations and abuses committed against children that are reported and monitored by the Secretary-General and mentioned in the report, owing to the decrease of violence in the territory of the Democratic Republic of the Congo in the reporting period (June 2007 to September 2008), stressing at the same time the deterioration of the security situation in some regions of his country;

(c) Affirmed that, with regard to the current situation on the ground, the last conclusions of the working group remained pertinent;

(d) Reiterated the interest of his Government to act upon its arrest warrants for Laurent Nkunda;

(e) And, finally, reiterated his invitation to the Special Representative of the Secretary-General to visit his country.

9. The members of the Working Group agreed in later discussions to take into consideration the recent developments on the ground in the Democratic Republic of the Congo that had taken place since the submission of the report of the Secretary-General.

10. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Security Council resolution 1612 (2005),[1] the Working Group agreed to the following direct action.

Public statements issued by the Chairman of the Working Group

11. The Working Group agreed to address messages to all the parties to the armed conflict in eastern Democratic Republic of the Congo, in particular the Congrès national pour la défense du peuple (CNDP), the Forces démocratiques de libération du Rwanda (FDLR), Mayi-Mayi armed elements and the Coalition des patriotes résistants congolais (PARECO), as mentioned in the report of the Secretary-General, through public statements by its Chairman on behalf of the Working Group:

(a) *Recalling* its strong condemnation of the recruitment and use of children by armed groups, in violation of applicable international law, and all other violations and abuses committed against children in the Democratic Republic of the Congo, emphasizing the need to bring to justice perpetrators of such crimes;

(b) *Recalling* also that Security Council resolution 1857 (2008) renewed until 30 November 2009 the financial and travel measures imposed by resolution

[1] A similar formulation will appear at the beginning of every letter issued by the Chairman.

1807 (2008), which apply to individuals and, as appropriate, entities, as designated by the Committee, which include, inter alia:

(i) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflict, in violation of applicable international law;

(ii) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

(c) *Stressing* that in its last conclusions on the situation of children in the armed conflict in the Democratic Republic of the Congo, the Security Council Working Group decided to inform the Chairman of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo of its grave concern regarding the repeated violations committed against children by those mentioned in the previous report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2007/391);

(d) *Calling* their attention to the fact that the Security Council has received a new report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo;

(e) *Recalling* their commitments for the protection of children, to end the recruitment and use of children and to release all children still within their ranks, in accordance with the statements of commitment in February 2008;

(f) *Expressing* deep concern about the fact that, despite those commitments and the repeated calls by the Security Council for the full implementation of its resolution 1612 (2005) by all parties to conflicts, they continued to recruit and use children and had failed to release all the children present in their ranks;

(g) *Urging* them to fulfil without any further delay their commitments for the protection of children, to end the recruitment and use of children, to release all children still present within their ranks in a manner that allows effective confirmation by the United Nations country-level task force on monitoring and reporting and to develop as soon as possible a time-bound action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005);

(h) *Emphasizing* that the full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the task force on monitoring and reporting, is a step for a party to conflict to take in order to be de-listed from the annexes to the report of the Secretary-General on children and armed conflict;

(i) *Taking note* of the recent releases of children by those groups that are in the process of integration into the Forces armées de la République démocratique du Congo (FARDC) or in the process of laying down arms, encouraging further releases and requesting those armed groups to ensure as a matter of priority that all children still present in their ranks have access to a formal process of disarmament, demobilization, repatriation, resettlement and reintegration;

12. The Working Group also agreed to address messages to the head of the Lord's Resistance Army (LRA) delegation in Nairobi through the Office of the Special

Envoy of the Secretary-General for the Lord's Resistance Army-affected areas, through public statements by its Chairman on behalf of the Working Group:

(a) *Recalling* its recent conclusions on children and armed conflict in Uganda (S/AC.51/2008/13) and all the requests to the LRA contained therein, as well as the provisions regarding children contained in the presidential statement of the Security Council contained in document S/PRST/2008/48;

(b) *Strongly condemning in particular* the recent cases of large-scale abductions of children by the LRA in villages in the Orientale Province of the Democratic Republic of the Congo, and strongly urging it to release them immediately and unconditionally;

(c) *Recalling* the obligations of the LRA under the Agreement on Disarmament, Demobilization and Reintegration signed in February 2008, and noting specifically that the recruitment and use of children is a violation of international law;

(d) *Expressing its dismay*, and *strongly condemning* the continued recruitment and use of child soldiers and all other violations and abuses committed by the LRA in recent months, including the killing and maiming of children, rape and other sexual violence, abductions and forced displacement, in particular in south Sudan, the Democratic Republic of the Congo and the Central African Republic.

Recommendations to the Security Council

13. The Working Group agreed to recommend the following to the Security Council:

Letter to the Government of the Democratic Republic of the Congo

(a) *Commending* the efforts undertaken by the Government of the Democratic Republic of the Congo, in cooperation with MONUC and UNICEF, with a view to halting the recruitment of children into the FARDC in line with the obligations of the Democratic Republic of the Congo under international law and with the previous conclusions of the Working Group;

(b) *Urging* it in this context to ensure that the integration of forces from the CNDP, the Mayi-Mayi militias and other armed groups into the FARDC does not lead to any new recruitment and use of children in the FARDC and is used as an opportunity to obtain the release of all children associated with those armed groups in a manner that allows effective confirmation by the task force on monitoring and reporting and provision of dedicated care and reintegration programmes to all those children, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005) and in line with the national demobilization, disarmament and reintegration programme and the Paris Principles;

(c) *Welcoming* initiatives undertaken by the Government in collaboration with MONUC, UNICEF, the United Nations Population Fund and other child protection partners with a view to raising awareness and changing behaviours regarding violations and abuses committed against children, such as the launch of the nationwide advocacy campaign called "zero children associated with armed forces and groups" or the creation of a thematic group on sexual violence to enhance collaboration with the international community;

(d) *Welcoming also* efforts undertaken with the support of the international community with a view to raising awareness and building capacity of national security and judicial authorities regarding child protection issues, and recent steps taken by military and other jurisdictions in addressing impunity for crimes committed against children;

(e) *Stressing*, however, that more efforts are necessary by the security sector to prevent and address violations and abuses committed against children, and by the civilian and military justice sector to investigate and prosecute crimes committed against children more systematically, particularly concerning abuses such as attacks on civilians and widespread sexual violence, noting the high number of cases of such crimes and the need to address impunity in this regard, with the support and allocation of appropriate resources by the Government of the Democratic Republic of the Congo and through exploring further possibilities of collaboration with international partners in the field of transitional and post-conflict justice;

(f) *Encouraging* the strengthening of the consultative framework between the Government of the Democratic Republic of the Congo and the chairman of the country-level task force on monitoring and reporting, which should ensure the development of effective prevention methods and response activities to the abuses and violations committed against children;

(g) *Urging* the Government to adopt and implement a comprehensive national strategy to prevent, respond to and combat sexual violence, and to strengthen cooperation with the senior adviser and coordinator on sexual violence assigned to the Office of the Deputy Special Representative of the Secretary-General in MONUC.

Letter to the Secretary-General

(a) *Recalling* the mandate of MONUC to protect children, as defined in Security Council resolution 1856 (2008);

(b) *Requesting* the Secretary-General, with regard to the ongoing review of the MONUC mission, structure, civilian activities and deployments pursuant to resolution 1856 (2008), to continue to include adequate child protection capacity to implement Security Council resolution 1612 (2005);

(c) *Welcoming* initiatives undertaken by MONUC in partnership with UNICEF to improve child protection, raise awareness and change behaviours regarding violations and abuses committed against children, inter alia:

(i) The establishment with the Mixed Commission on Peace and Security of a process to provide assistance and facilitate the release of children under the Amani Programme;

(ii) The launch of regional child protection working groups bringing together in one forum child protection actors and partners;

(iii) The development of an accelerated common action plan to combat sexual and gender-based violence and the appointment of a senior adviser and coordinator on sexual violence;

(iv) The provision of technical support, advice and training to military prosecutors and military judicial police inspectors in the field of investigation and prosecution of grave violations and abuses committed against children;

(d) *Inviting* him to request the United Nations Development Programme, UNICEF and other relevant United Nations organizations, within their respective mandates and approved resources and in close cooperation with the Government of the Democratic Republic of the Congo, to continue to address socio-economic issues as a matter of priority in order to contribute to addressing the welfare of children affected by armed conflict through, inter alia, providing assistance to improve the implementation of rehabilitation and reintegration programmes and to strengthen the education system, including in conflict-affected areas;

(e) *Also inviting* him to consider addressing the long-term effects of armed conflict on children by supporting the development of a health-care system to facilitate their full recovery, including adequate attention to psychological care for all children affected by armed conflict and access to sexual and reproductive health services, in particular for victims of sexual violence;

(f) *Recalling* the request that MONUC share information with the Group of Experts established by Security Council resolution 1533 (2004), especially on the support received by armed groups, on recruitment and use of children and on the targeting of women and children in situations of armed conflict, in accordance with Council resolution 1857 (2008).

Letter to the Chairman of the Security Council Sanctions Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Recalling the grave concern of the Working Group regarding the repeated violations and abuses committed against children by the persons named in the two most recent reports of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo and recommending the follow-up and further action concerning those individuals, in accordance with Security Council resolution 1857 (2008).

To the Security Council

(a) *Recommending* that the situation of children affected by armed conflict continue to be duly taken into account in considerations by the Security Council of the situation in the Democratic Republic of the Congo and be reflected in the terms of reference for the next field visit by the members of the Council to that country, taking also into consideration the conclusions of the Working Group in this regard;

(b) *Recommending also* that it ensure the continuation of a child protection mandate for MONUC, especially for monitoring and reporting, training and dialogue on action plans.

Direct action by the Working Group

14. The Working Group agreed that letters should be addressed:

To the World Bank and donors:

(a) *Requesting* the main donors to allocate funding to support reintegration activities for children (boys and girls) formerly associated with

armed forces and groups, emphasizing educational and socio-economic reintegration activities, with a view to preventing the re-enrolment of children in armed forces and groups by providing them with a viable alternative;

(b) *Encouraging* that reintegration strategies be in line with the Paris Principles; that they be multisectoral and sustainable in the long term through the provision of early, flexible and multi-year funding; that emphasis be placed on community-based approaches; that greater emphasis be placed on the psychosocial dimensions of reintegration; and that there be an increased focus on livelihood support, education and youth-oriented employment strategies, including for children with disabilities;

(c) *Recommending* that the situation of girls be given priority attention and resourcing with regard to reintegration strategies, to ensure that girls are given equal opportunity to engage in disarmament, demobilization and reintegration programmes;

(d) *Urging* donors to support the Government of the Democratic Republic of the Congo in implementing a comprehensive national strategy to prevent, respond to and combat sexual violence that also includes such key areas as combating impunity, protection and prevention, security sector reform and multisectoral assistance for victims;

(e) *Also urging* donors to assist in ensuring the enhanced capacity and technical expertise of judicial officials and other relevant authorities in dealing with cases involving children.